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ARLINGTON REDEVELOPMENT BOARD

Arlington, Massachusetts
Middlesex, ss

DOCKET NO. 3730

DECISION Special Permit Under ENVIRONMENTAL DESIGN REVIEW

Applicant: The Pat Greek, LLC, 15 Washington Street, Haverhill, MA 01832
Property Address: 185 Massachusetts Avenue, Arlington, Massachusetts 02474

Hearing Date: December 19, 2022
Date of Decision: December 19, 2022

20 Day Appeal Period Ends: February 10, 2023

Members Approved

[Signature]
Rachel J. Zembren
[Signature]
W. Timpak
Stephen R. Reindart

Opposed

Town Clerk's Certification

Date



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Arlington Redevelopment Board

730 Massachusetts Avenue, Arlington, Massachusetts 02476

DECISION OF THE REDEVELOPMENT BOARD

Special Permit and Environmental Design Review, Docket #3730

185 Massachusetts Avenue, Arlington, MA 02474

The Fat Greek, LLC

December 19, 2022

This Decision applies to the Special Permit application filed on November 15, 2022, by The Fat Greek, LLC, 15 Washington Street, Haverhill, MA for Special Permit Docket #3730 in accordance with the provisions of MGL Chapter 40A § 11, and the Town of Arlington Zoning Bylaw Sections 3.3, Special Permit, and 3.4, Environmental Design Review. The applicant proposes to change the use of the property to a fast-order food restaurant of 1,250 square feet and replace the signage at 185 Massachusetts Avenue. The Special Permit is to allow the Arlington Redevelopment Board (ARB) to review and approve the project under Section 3.4, Environmental Design Review, and Section 6.2, Signs, and review the applicant's request for a reduction of the on-site parking requirement under Section 6.1.5. The ARB held a public hearing on December 19, 2022.

VOTE: The ARB voted (5-0) to approve Docket #3730 with conditions on December 19, 2022.

Materials submitted for consideration of this application:

- Application for EDR Special Permit and Narrative
- Photo of existing conditions
- Sign application
- Menu
- Letter from Cheryl Marceau (10 Cleveland Street)

The following criteria have been met, per Section 3.3 of the Arlington Zoning Bylaw:

1. The restaurant (fast-order food restaurant of 1,500 square feet or less) use is allowed by right in the B3 Village Business District.
2. While the use is new to this specific address, restaurants have operated near this location for many years. The use will complement, enhance, and add vitality to this area of the East Arlington Business District. It is desirable to the public convenience.

3. Restaurants have operated near this location for many years, and there are no exterior alterations other than signage. The restaurant is replacing another commercial use, and will not create any additional traffic or pedestrian safety impacts in the area.
4. The restaurant will not overload any public utilities.
5. No special regulations are applicable to this project.
6. The use does not impair the integrity or character of the neighborhood.
7. The use will not be in excess or detrimental to the character of the neighborhood.

The following criteria have been met, per Section 3.4 of the Arlington Zoning Bylaw:

1. EDR-1 Preservation of Landscape

There are no changes to the landscape as there are no proposed exterior alterations.

2. EDR-2 Relation of the Building to the Environment

There are no changes to the exterior of the building other than the addition of new signage, which will not

3. EDR-3 Open Space

There are no changes to open space.

4. EDR-4 Circulation

Currently, there are no on-site parking spaces and there is no room on the property to create these spaces. The use as a restaurant will function similarly to adjacent uses on the block, none of which have off-street parking. The site is adjacent to available on-street parking along Massachusetts Avenue and side streets, and is accessible via MBTA bus routes. The ARB grants relief from the required number of parking spaces per Section 6.1.5, reducing the required number to zero, subject to the provision of a Transportation Demand Management (TDM) plan provided to the Department of Planning and Community Development for administrative review and approval.

As part of the TDM plan, the applicant shall work with the Department of Planning and Community Development to identify a location outside of the building for bicycle parking spaces.

5. EDR-5 Surface Water Drainage

There will be no changes to the exterior of the building or surface water run-off as a result of this proposal.

6. EDR-6 Utilities Service

There will be no changes to the utility service.

7. EDR-7 Advertising Features

The project site is in the Business Sign District. The proposal includes 36 square foot non-illuminated wall sign as allowed in the B3 District. The wall sign meets all of the requirements of Section 6.2.5(D)(10), as it will be centered over the restaurant façade with an approximate 78 inch buffer on the right and left side of the sign and 12 inch buffer above and below the sign.

8. EDR-8 Special Features

No changes are proposed.

9. EDR-9 Safety

No changes for this site are proposed that will impact safety.

10. EDR-10 Heritage

The existing building and property are not located on any local or State historic property listing.

11. EDR-11 Microclimate

There will be no adverse impacts on air and water resources or on temperature levels of the immediate environment.

12. EDR-12 Sustainable Building and Site Design

No changes are proposed.

The ARB made the following findings upon approval:

1. The project is consistent with Environmental Design Review per Section 3.4 of the Zoning Bylaw and meets the decision criteria of Section 3.3 of the Zoning Bylaw for a Special Permit, provided it meets the signage requirements set forth herein.
2. The inability to create onsite parking, the availability of nearby on-street parking, and the site's proximity to public transportation justify reducing to zero to number of onsite parking space required, per Section 6.1.5 of the Zoning Bylaw.

The project must adhere to the following general conditions:

1. The final plans and specifications for all signs shall be subject to final approval by the Department of Planning and Community Development (DPCD).
2. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board.
3. The Board maintains continuing jurisdiction over this permit and may, after a duly advertised public hearing, attach other conditions, or modify these conditions as it deems appropriate in order to protect the public interest and welfare.

4. Snow removal from all parts of the site, as well as from any abutting public sidewalks, shall be the responsibility of the owner and shall be accomplished in accordance with Town Bylaws.
5. Deliveries and trash shall only be picked up only between the hours of 7:00 am and 6:00 pm. All exterior trash and storage areas on the property, if any, shall be properly screened and maintained in accordance with the Town Bylaws.
6. Upon the issuance of the building permit the Applicant shall file with the Inspectional Services Department and the Police Department the names and telephone numbers of contact personnel who may be reached 24 hours each day during the construction period.

The project must adhere to the following special conditions:

1. The applicant shall submit a Transportation Demand Management (TDM) Plan to the DPCD for administrative review and approval
2. The applicant shall submit a lighting plan to the DPCD for administrative review and approval, demonstrating that the entry door below the soffit is well-lit.
3. The applicant shall employ advanced filtration techniques for the purpose of odor and particulate mitigation; exhaust systems shall be on the roof and oriented toward Massachusetts Avenue. A filtration and exhaust system plan shall be submitted to the DPCD for administrative review and approval.
4. The applicant is required to arrange for on-demand trash and oil pickup so that its trash and waste oil are not stored on the public sidewalk
5. The applicant shall provide a Transportation Demand Management (TDM) plan to the Department of Planning and Community Development for administrative review and approval.

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